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EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/511,476

Applicant(s)
Plano et al.

Examiner
T. Chen

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2171



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 5, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Response to Amendment

1. This is in response to amendment filed on 08/25/2002 (paper # 5).
2. Claims 1-25 remain for examination, claims 1-2, 5, 19-21 have been amended.

Specification

3. Applicants are reminded to check the grammar and word spelling errors throughout his disclosure.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 18-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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6. As to claim 18, applicants' specification failed to disclose the mechanism for "a comparison circuit coupled to the template database" (line 10), "a selector circuit coupled to the comparison circuit" (line 15), and "an article creator circuit receiving as input the selected template". Thus, the specification is not in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. As to claims 19-25, these claims have the same defects as their base claim, hence were rejected for the same reasons.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-17 and 19-21, were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) the following terms lack proper antecedent basis:

- a) the most conditions - claims 4, 12 and 20;
- b) the descriptive report - claims 9 and 15;

B) The claim language in the following claims is not clearly understood:

1) As to claim 1, line 6, it is uncertain what does "at least one condition" refer to? [i.e., what condition was provided by who?]; furthermore, on line 21, it is not understood what is

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it meant by “a proficiency rating of the scorekeeper” [i.e. what determines the scorekeeper making a proficiency rating?].

2) As to claim 2, the use of the word “may” is inappropriate, because this term lead to uncertainty of whether anything actually occurs (or results).

3) As to claim 7, the phrase “the at least one condition” appears three times in the claim, what are these conditions? do they refer to the same condition or not? What is the link among these conditions and the “at least one condition” in claim 1?

4) Regarding claim 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5) As to claims 20 and 21, it is unclear what is the link among “the most conditions” of claim 20 and “the most heavily weighted conditions” of claim 21 [i.e., do they refer to the same conditions or different conditions?]

10. As to claims 2-7 and 10-17, these claims have the same defects as their base claim, hence were rejected for the same reasons.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

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harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-24 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/455,551. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed systems comprise substantially the same elements which perform the same functions including: an integrated system for managing the automation of an amateur sports organization, wherein it comprising means/methods of collecting, organizing and publication of sport event information such as: 1) recording game data to a centralized data manager for downloading; 2) analyzing statistical information about individual players, teams and leagues to create selective game reports according to pre-determined criteria; 3) registering participants and delivering the descriptive game reports to the end-user.

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12. Although the current application specifically claim the system management program is an object oriented routines and the '551 application does not. However using object oriented routines to manage a system is well known in the art as demonstrated by Jain et al's U.S. Patent No. 6,144,375; 212, fig. 3. Thus, it would have been obvious to one of the ordinary skill in the art to applying Jain's object oriented program technique to manage the '511 claimed system, because by using this method, would allows the user of the management software to change the system environment more dynamically and the software itself would be more reusable via the inheritable feature of the object oriented design. Furthermore, even though the current application claimed a more detailed system with respect to the processing of automatic report generation, however those processing did not teach away from the scope of report generator in the '551 invention.

13. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled

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the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

15. Claims 1-3, 5-8, 9-11, 13-17, 18-19 and 21-25, are rejected under 35 U.S.C. 102(e) as to the best of examiner ascertain being anticipated by Jain et al. (U.S. Patent No. 6,144,375).

16. As to claim 1, Jain et al. (Thereinafter referred as Jain) disclosed, the invention as claimed by applicant comprising a system which including:

- a) a log comprised or recorded events [216, Fig. 3];
- b) means for generating statistics from the game log [e.g., 304, 318, 320, Fig. 4; col. 6, lines 1-13; col. 28, lines 29-48; Fig. 6A];
- c) a plurality of article templates, each template having associated with it at least one condition [Fig(s). 7-9; Event Notification Mechanism and Complex Query Formulation Tool];
- d) means for comparing the at least one condition to the statistics and for identifying as candidate templates with at least one condition is met by the statistics [Filters of the capture/filter stage; col. 5, line 60 - col. 6, line 13; 304, Fig. 3; col. 16, lines 31-47; col. 10, lines 48-49];
- e) means for selecting one template from amongst the candidate templates [Captures of the capture/filter stage; col. 6, lines 9-13; 320, 304, Fig. 3; col. 6, lines 45-51; col. 28, lines 46-48].
- f) means for generating a finished article from the selected template and the recorded events [Fig (s). 3-5].

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17. As to claim 2, Jain further disclose an interface [e.g., 320, Fig. 4] for an end-user to select a specific event for article generation [col. 19, lines 25- 28, lines 36-44] and by which to display the finished article to the end-user [400, Fig. 4; col. 17, lines 36-43].

18. As to claims 3 and 8, Jain further disclosed that the event is a sport game event [Fig (s). 2, 7-9].

19. As to claim 5, Jain further disclosed that the recorded events are provided by a scorekeeper (or a system user) and the system having means for eliminating one or more of the plurality of templates based upon a score rating (or significance of event) from the scorekeeper [Fig. 5; col. 20, lines 6-59].

20. As to claim 6, Jain further disclosed that the system having object oriented program routines [col. 20, lines 6-13].

21. As to claim 7, Jain further disclosed that the comparing means having a first means for comparing the at least one condition to a set of default statistics and a second means for comparing the at least one condition to a set of additional statistics [304, 400, Fig. 4; col. 6, lines 6-20; lines 45-51].

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22. As to claims 9-11 and 13-17, the steps in the claimed method are deemed to be made inherit by the functions of the apparatus structure in the combination discussed above, hence were rejected for the same reasons.

23. As to claims 18-19 and 21-25, these claims recited the similar features as claims 1-3, 5-8, 9-11 and 13-17, hence were rejected for the same reason.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 4, 12 and 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent No. 6,144,375) and in view of blumberg (U.S. Patent No. 6,240,415).

26. As to claim 4, Jain did not specifically disclosed that the selecting means will chose the most qualified candidate which met the most specified conditions.

27. However, Blumberg disclosed that the selecting means will chose the most qualified candidate template which met the most specified conditions [col. 10, Sport Management].

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28. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Jain's and Blumberg's teachings because by having the selecting means to chose the most qualified candidate template which met the most specified conditions would provide only the most welcome information to end-user.

29. As to claim 12, the step in the claimed method are deemed to be made obvious by the functions of the apparatus structure in the combination discussed above, hence were rejected for the same reasons.

30. As to claim 20, this claim cited the well-known features as claims 4 and 12, hence were rejected for the same reason.

Response to Arguments

31. Applicant's arguments filed on 08/05/2002 have been fully considered but they are not persuasive.

32. Regarding Applicant's arguments with respect to the **35 USC § 112** first paragraph rejection, the examiner disagrees with applicant's assertion that: 1) "a comparison circuit coupled to the template database" is supported at "e.g., Page 17, lines 4-13; Figure 5, particularly element

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128; Page 35, lines 14-19"; 2) "a selector circuit coupled to the comparison circuit" is supported at "e.g., Page 19, line 15 through Page 20, line 22; Figure 2, particularly element 72; and Page 35, lines 14-19"; 3) "an article creator receiving as input the selected template" is supported at "e.g., Page 30, line 14 through Page 32, line 11; Figure 5, particularly element 152; and Page 35, lines 14-19" .

33. In response to the argument 1), the section of pages/ Figure as specified by applicant discloses neither "a comparison circuit" nor "template database", nonetheless to say the link of these two objects. For example, see the box 128, Fig. 5. The logical flow element "Compare template condition to default statistics" is different from the claimed hardware element "a comparison circuit". Furthermore, the logical flow element is not described as being coupled to the template database.

34. In response to the argument 2), the section of Page/ Figure as specified by applicant, discloses neither "a selector circuit" nor "the comparison circuit", nonetheless to say the link of these two objects. For example see, the box 72, Fig. 2. The element "Template Selector" is different from the claimed subject matter -- a selector circuit. Furthermore, referring to Fig. 2, box 72, the template selector is not described as being connected to the comparison circuit.

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35. In response to the argument 3), the examiner points out as referring to the box 152, Fig. 5. The operational box "Generate article" is different from the claimed subject matter -- "an article creator". Furthermore, the operational box (152) is not described as being a unit for receiving as input the selected template.

36. Regarding Applicant's arguments with respect to the *35 U.S.C. § 102* (e) code rejection, the examiner disagrees with applicant's assertion that Jain fails to teach or suggest : a) a "means for generating statistic from the log"; b) an "article template" from which a "finished article" is generated; c) "a plurality of article templates, each article template having associated with it at least one condition."; d) means for comparing a condition to statistics or for identifying candidate templates"; e) means for selecting one template from amongst the candidate templates"; f) means for generating a finished article from the selected article template.

37. In response to the argument a), the examiner points out that Applicant fails to define what is the structure of claimed "log". As such, the examiner regards the claimed log as "A record, of transactions or activities that take place on a computer system"¹ Based on this, the examiner asserts that Jain specifically discloses Applicant's claimed feature of "means for generating statistic from the log" at the portion of col. 6, lines 1-13; col. 28, lines 29-48; 318 and Fig(s). 4 and 6A. There, Jain specifically cites that records (or logs) of a database are

¹ See Page 316, Microsoft Computer Dictionary, 2002 Fifth Edition.

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created by a multi-media "capture/filter" processing means (340, Fig. 4). Jain further discloses that during the database generating processing, other information (for example , statistic data) is synchronized (or captured) into the records (or log) of a database [see col. 6, lines 1-13], and the Stat. Crew computer (318, Fig.4) which provides (or generates) the statistic information from the database (or log) to a viewer. [see, Fig. 4 and col. 28, Statistics and Information Viewing Window].

38. In response to the argument b), the examiner points out that an "article template" defined by Applicant as "a pre-written description of a game." [see Page 12 , lines 7-10 of Applicant's specification], as such, the examiner regards that the plurality of viewing areas for displaying a content-based game event (e.g., Fig. 6) reads on the claimed features. Each template of the display has associated with itself at least one condition via event [see col. 12, lines 50-58].

39. In response to the arguments c - f), the examiner points out that except the features discussed above, Jain further discloses means [e.g., 304, 320, Fig. 4] for an end-user to select a specific event with condition for article generation [col. 19, lines 25- 28, lines 36-44; col. 28, lines 46-48], comparing a condition to statistics or for identifying candidate templates [e.g., col. 28, Timeline display and indexing] and by which to display the finished article to the end-user [400, Fig. 4; col. 17, lines 36-43; Fig. 7].

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40. In response to the rest argument, Applicant rehash issues discussed above, hence were rejected for the same reason.

Conclusion

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

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43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group are:

(703) 746-7238 (After Final Communication);

(703) 746-7239 (Official Communications); and

(703) 746-7240 (For Status Inquiries, Draft Communication).

44. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Susan Chen

Feb. 28, 2003



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